

**UPDATED Draft Conditions for 1034 & 1102 Massachusetts Avenue
(Lawn Barber, Inc.) Site Plan Approval
July 28, 2016**

1. Approval is based upon the following Plans and Documents:
 - a. Progress Site Plan in Boxborough, Massachusetts dated May 23, 2016 and revised through July 14, 2016, prepared by Stamski and McNary, Inc. with a Planning Department date stamp of July 14, 2016.
 - b. PB00260R4 Freestanding Building Plans (Sheets A1-1.0, B1-1.0, C1-1.0, D1-1.0, E1-1.0, H1-1.0, and ClearSpan 38' Wide Pony Wall Building) dated February 6, 2006 and revised through February 10, 2006, prepared by ClearSpan Engineering Services & Products Co. with Planning Department date stamps of September 29, 2015.
2. The Applicant/Owner shall record the Decision with the Middlesex South Registry of Deeds and provide verification of recording to the Town Planner within 60 days of the date of this Decision.
3. The Applicant/Owner shall file an Approval Not Required (ANR) Plan with the Planning Board within 30 days of the date of this Decision to formalize the lot line change on the western boundary of the property. This ANR Plan and associated executed deed to the additional property shall be recorded with the Middlesex South Registry of Deeds and verification of recording shall be provided to the Town Planner within 90 days of the date of this Decision.
4. The Applicant/Owner shall submit written confirmation from the Tax Collector that all taxes, including any roll back taxes, have been paid in full for the property within 30 days of the date of this Decision.
5. The Applicant/Owner shall obtain a new Certificate of Use and Occupancy from the Building Department for the property within 90 days of the date of this Decision, provided however, that if the Applicant/Owner having used reasonable efforts is unable to comply in the aforesaid timeframe, upon request of the Applicant/Owner the Planning Board may extend the timeframe for compliance as may be reasonably necessary.
6. The Applicant/Owner shall install or make modifications to the existing on-site sewage disposal system to handle the capacity of the site and receive approval from the Board of Health within 90 days of the date of this Decision, provided however, that if the Applicant/Owner having used reasonable efforts is unable to comply in the aforesaid timeframe, upon request of the Applicant/Owner the Planning Board may extend the timeframe for compliance as may be reasonably necessary.
7. The operation of the facility cannot create a public health nuisance nor create noise or odors that would be considered a "condition of air pollution" in accordance with 310 CMR 7.00.
8. All hazardous materials must be handled/disposed of in compliance with Federal, State, and local regulations.
9. The Applicant/Owner shall pay all fees for the Town to work with an Acoustic Consultant, selected by the Town, to conduct a 30 day sound test of the business operations to confirm compliance with the Zoning Bylaw. The 30 day sound test shall be conducted within 90 days of the date of this Decision.

10. All operations at the business related to the cutting of stone (cutting, splitting, delivery, relocation, and reorganization of stone, stone products, and storage containers/areas, and similar activities) and deliveries of any kind shall only occur between the hours of 7:00 AM and 5:00 PM Monday through Friday, and from 8:00 AM to 1:00 PM on Saturdays.
11. All stone cutting operations (the use of stone cutting saws) at the property, with the exception of stone splitting, shall occur within a building and contain appropriate wastewater drainage/recycling systems. All doors to the building where the stone cutting is occurring shall remain closed at all times when cutting is taking place, except for when materials or products are being loaded or unloaded from the building.
12. The Applicant/Owner shall submit disposal receipts to the Building Department at least quarterly (every three (3) months) showing the stone slurry wastewater system has been cleaned/emptied/pumped at least once every two (2) weeks.
13. There shall be no automotive repair of any kind conducted on the property which is the subject of this application.
14. There shall be no more than 12 employees on-site at any time and one (1) parking space shall be provided for each employee. In addition, no more than eight (8) registered vehicles associated with the business shall be stored on the property overnight.
15. Parking along the driveway and in front of the brick office building shall be prohibited on the property at 1034 Massachusetts Avenue.
16. There shall not be any loading, unloading, or vehicle parking within the Route 111/Massachusetts Avenue right-of-way.
17. The Applicant/Owner shall only maintain nine (9) parking spaces in the pre-existing nonconforming parking area along Massachusetts Avenue/Route 111 and shall only park nine (9) vehicles in this area. This nine (9) space parking area shall be lined along its boundaries with sizable stones or the like to formalize the limits of the parking area within 60 days of the date of this Decision, provided however, that if the Applicant/Owner having used reasonable efforts is unable to comply in the aforesaid timeframe, upon request of the Applicant/Owner the Planning Board may extend the timeframe for compliance as may be reasonably necessary.
18. The Applicant/Owner shall restore the gravel parking area between the eastern most parking space on 1102 Massachusetts Avenue and the western property boundary of 1034 Massachusetts Avenue to grass/vegetation within 60 days of the date of this Decision, provided however, that if the Applicant/Owner having used reasonable efforts is unable to comply in the aforesaid timeframe, upon request of the Applicant/Owner the Planning Board may extend the timeframe for compliance as may be reasonably necessary.
19. The planting species to provide screening around the parking spaces along Massachusetts Avenue/Route 111 as shown on the approved Site Plan shall be verified, finalized, and installed in consultation with the Town Planner within 60 days of the date of this Decision, provided however, that if the Applicant/Owner having used reasonable efforts is unable to comply in the aforesaid timeframe, upon request of the Applicant/Owner the Planning Board may extend the timeframe for compliance as may be reasonably necessary.

20. The stone wall along the western property boundary of 1034 Massachusetts Avenue in front of the office building shall be removed in its entirety or formalized to meet all applicable regulations within 60 days of the date of this Decision, provided however, that if the Applicant/Owner having used reasonable efforts is unable to comply in the aforesaid timeframe, upon request of the Applicant/Owner the Planning Board may extend the timeframe for compliance as may be reasonably necessary.
21. All existing donation bins on 1102 Massachusetts Avenue between the pond and the western boundary of 1034 Massachusetts Avenue shall be removed within 60 days of the date of this Decision and no new bins shall be installed in this area, provided however, that if the Applicant/Owner having used reasonable efforts is unable to comply in the aforesaid timeframe, upon request of the Applicant/Owner the Planning Board may extend the timeframe for compliance as may be reasonably necessary.
22. Landscaping materials or products shall not be stored within the 50 foot front yard setback and shall be kept in an orderly fashion in all other areas at the subject property. No retail sale of landscaping materials shall take place at the site.
23. The Applicant/Owner shall frame out the ceiling height of the shed at the rear of the property and a portion of the mezzanine area in the garage building to the approval of the Building Inspector to comply with the 0.1 Floor Area Ratio (FAR) requirement for the property within 90 days of the date of this Decision, provided however, that if the Applicant/Owner having used reasonable efforts is unable to comply in the aforesaid timeframe, upon request of the Applicant/Owner the Planning Board may extend the timeframe for compliance as may be reasonably necessary.
24. To the extent possible, all exterior lighting must be confined to the subject property, cast light downward, and must not intrude, interfere or spill onto neighboring properties.
25. The Applicant/Owner shall pay all outstanding fees incurred for the Board's consultants including Town Counsel, the Acoustic Consultant, and the Board's Consulting Engineer, for the performance of any of the review and inspection services contemplated herein, and including any such fees incurred prior to the date of this Decision.
26. Violation of any of the conditions of this Decision shall be grounds for revocation of this Decision, or of any building or occupancy permit granted hereunder. In case of any violation of the continuing obligations of this Decision, the Town will notify the owner of such violation and give the owner reasonable time, not to exceed thirty (30) days or such additional time as may be reasonably necessary as determined by the Planning Board, to correct the violation and to enforce the conditions of this Decision. The Town may enforce compliance with the conditions of this Decision by any action of injunctive relief before any court of competent jurisdiction.